

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 4. This sheet replaces the original sheet including Figure 4. In Figure 4, collar 6, length L1 and distance L2 are added. Support for collar 6, length L1 and distance L2 may be found in the specification and claims as filed. No new matter has been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed March 29, 2005. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. The Claims were 10-18. Claim 10 has been currently amended. No new matter has been added by this amendment. Thus, Claims 10-18 are pending in this case all to more clearly and distinctly claim Applicants' invention. In view of the above amendments and the following remarks, Applicants submit that the presently pending claims are in condition for allowance and notification of such is respectfully requested.

Specification

The specification has been amended to make certain terms consistent and make the specification consistent with the currently amended claims. No new matter has been added by the amendments to the specification. Applicants respectfully request that amendments to the specification be entered by the Examiner.

Drawings

The Examiner has objected to the drawings because it does not every feature of the invention as specified in the claims. More specifically, the Examiner states that the collar must be shown or the feature canceled from the claims. As suggested by the Examiner, Applicants have corrected Fig. 4 to include collar 6. Further, to clearly show collar 6, Applicants have amended the specification as shown above to refer to collar 6 of Figure 4 in the last paragraph on page 5 of the specification. In addition, Applicants have added length L1 and distance L2 to Fig. 4. Support for this amendment may be found in the specification and claims as originally filed. No new matter has been added. Applicants respectfully request that amendments to the drawings be entered by the Examiner.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 10-12 and 18 under 35 U.S.C. § 112, second paragraph, as being unclear for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. More specifically, the Examiner states that in Claim 10 the phrase "a tip magazine for receiving ... tips of a length L1 with a collar formed around the receiving opening..." is not clear. The Examiner also states that in Claim 11, the

phrase “the thickness of the plates added to the distance is only slightly less than the overall length of the tips L1, excluding the collar width...” is not clear. Applicants respectfully traverse this rejection.

To advance prosecution of this application, Applicants have currently amended Claim 10 to address the concerns of the Examiner. As the Examiner suggests, Applicants have amended Claim 10 to claim a tip magazine for receiving a plurality of identical tips of a length L1 where a collar is formed around the receiving opening of the carrier plate and where the through-holes of the carrier plate and through-holes of the orienting plate have the same diameter as the tips L1. Accordingly, the location and the shape of the collar are defined in Claim 10. Claim 11 depends on Claim 10. Therefore, the rejections are rendered moot. Withdrawal of the present rejection is respectfully requested.

Rejection Based On Linder Under 35 U.S.C. § 102 (b)

The Examiner rejects Claims 10-12 and 17 under 35 U.S.C. § 102 (b) as being anticipated by Linder. Applicants respectfully traverse this rejection.

Currently amended Claim 10 claims a tip magazine for receiving a plurality of identical tips of a length L1 comprising: a plane-parallel carrier plate with a plurality of through-holes arranged in a predetermined two-dimensional grid; a plane-parallel orienting plate being provided which is oriented parallel to the carrier plate at a distance L2 from the carrier plate; and said orienting plate having the same quantity of through-holes in the same grid pattern as, and with a smaller cross section than, the through-holes of the carrier plate. Claim 10 further claims that a collar is formed around the receiving opening of the carrier plate and that the through-holes of the carrier plate and through-holes of the orienting plate have the same diameter as the tips L1.

For a rejection to be sustained under 35 U.S.C. § 102 (b) each and every element of the claimed invention must be disclosed or cited in the prior art reference. Linder discloses a package for unitizing and shipping pipette tips that includes a paperboard tray received on the side panels of an outer shipping enclosure, which panels support the tray over a cavity into which the pipette tips extend. See Abstract. Linder also discloses that the tray includes two spaced, substantially parallel panels, each having an array of holes; the arrays are aligned. See Abstract. In Linder, the tray is designed this way to avoid damage to the pipette tips contained in the package during shipping. The function of both of the panels in Linder is only to hold the pipettes in a fixed position to each other so that they can not touch each other even if the packages are shipped in any other position. In addition, Linder discloses that at

the perimeter of the lower of the two parallel panels, where the lower panel is attached to the sidewalls of the tray, the tray is provided with perforations or other frangible connections whereby the lower panel may be easily broken away from the remainder of the tray. See Summary of the Invention. Thus, it would be clearly understood by a person of ordinary skill in the art that the lower panel will be removed if the tray is used to install the whole array of pipette tips in one operation supported by the package in a fixture of laboratory equipment. This is very different from the present invention.

Tip magazine known in the art serve only as aids for positioning the tips in a defined grid and simultaneously pressing them against the pipetting channels. Linder also teaches this type of tip magazine. With this tip magazine, it is not possible to orient the free ends of the tips to straighten the tips and therefore the outlet openings, to the well centers, so that only high-quality tips without deviation in shape can be used, particularly for very small wells, which is unlike the present invention. Further, Linder does not teach a collar formed around the receiving opening of the carrier plate and that the through-holes of the carrier plate and through-holes of the orienting plate have the same diameter as the tips L1. Accordingly, Linder does not disclose each and every claim element of the claimed invention. Therefore, Applicants respectfully requests that the rejection under 35 U.S.C. § 102 (b) be reconsidered and withdrawn.

Rejection Based On Linder In View Of Petrek Under 35 U.S.C. § 103(a)

The Examiner rejects Claims 13-16 and 18 under 35 U.S.C. § 103 (a) as being unpatentable over Linder in view of Petrek. Applicants respectfully traverse this rejection.

To establish obviousness of a claimed invention, all claim elements must be disclosed, taught or suggested by the prior art. As stated above, the present invention discloses tip magazine for receiving a plurality of identical tips of a length L1.

As discussed above, Linder discloses a package for unitizing and shipping pipette tips that includes a paperboard tray received on the side panels of an outer shipping enclosure, which panels support the tray over a cavity into which the pipette tips extend. See Abstract. However, Linder does not teach a collar formed around the receiving opening of the carrier plate and that the through-holes of the carrier plate and through-holes of the orienting plate have the same diameter as the tips L1. Moreover, Applicants also agree with the Examiner that Linder does not teach spacers being in the shape of rods or sleeves.

Petrek discloses a refill pack for reusable pipette tip racks in which pipette tips are contained with their longitudinal axes vertically positioned in a horizontal spaced pattern or

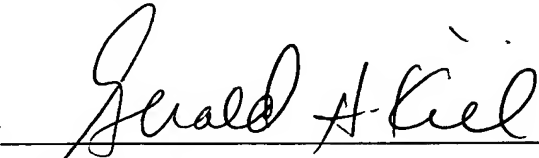
array. See Summary of the Invention. Petrek discloses vertically extending lateral support means. However, the vertically extending lateral support means shown in Petrek is not the same as the spacer in the present invention. In the present invention, the spacers are decisive for the distance between the two plates and lie against both plates. In Petrek, the vertically extending lateral support means are decisive for the position of the tips. Therefore, the diameter of the holes 16 in Petrek has to be larger than the diameter of the tips in the guiding area to avoid that the connection between the plate and the tips from becoming redundantly dimensioned. For example, pieces 80 (Fig. 5), 82 (Fig. 6), 81 (Fig. 7) and 86 (Fig. 8) are alternatives to piece 84 shown in Fig. 3. Fig. 3 in Petrek shows that these pieces are not as long as the distance between two plates. Accordingly, Petrek do not teach or suggest a collar formed around the receiving opening of the carrier plate and that the through-holes of the carrier plate and through-holes of the orienting plate have the same diameter as the tips L1

Both Linder and Petrek do not teach or suggest a collar formed around the receiving opening of the carrier plate and that the through-holes of the carrier plate and through-holes of the orienting plate have the same diameter as the tips L1 and spacers being in shape of rods or sleeves. Thus, the Applicants believe that the amended invention is not obvious over the teaching of Linder in view of Petrek since Linder and/or Petrek do not teach, disclose or suggest the present claims. Moreover, one skilled in the art would find nothing in Linder or Petrek alone or in combination that would disclose, teach or suggest the claimed invention or any reason for making it. Further, there is no motivation to combine the references in such a way to get the claimed invention. Therefore, an obvious rejection under 35 U.S.C. §103 (a) is improper.

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Dated: June 27, 2005

By

A handwritten signature in black ink, appearing to read "Gerald H. Kiel", written over a horizontal line.

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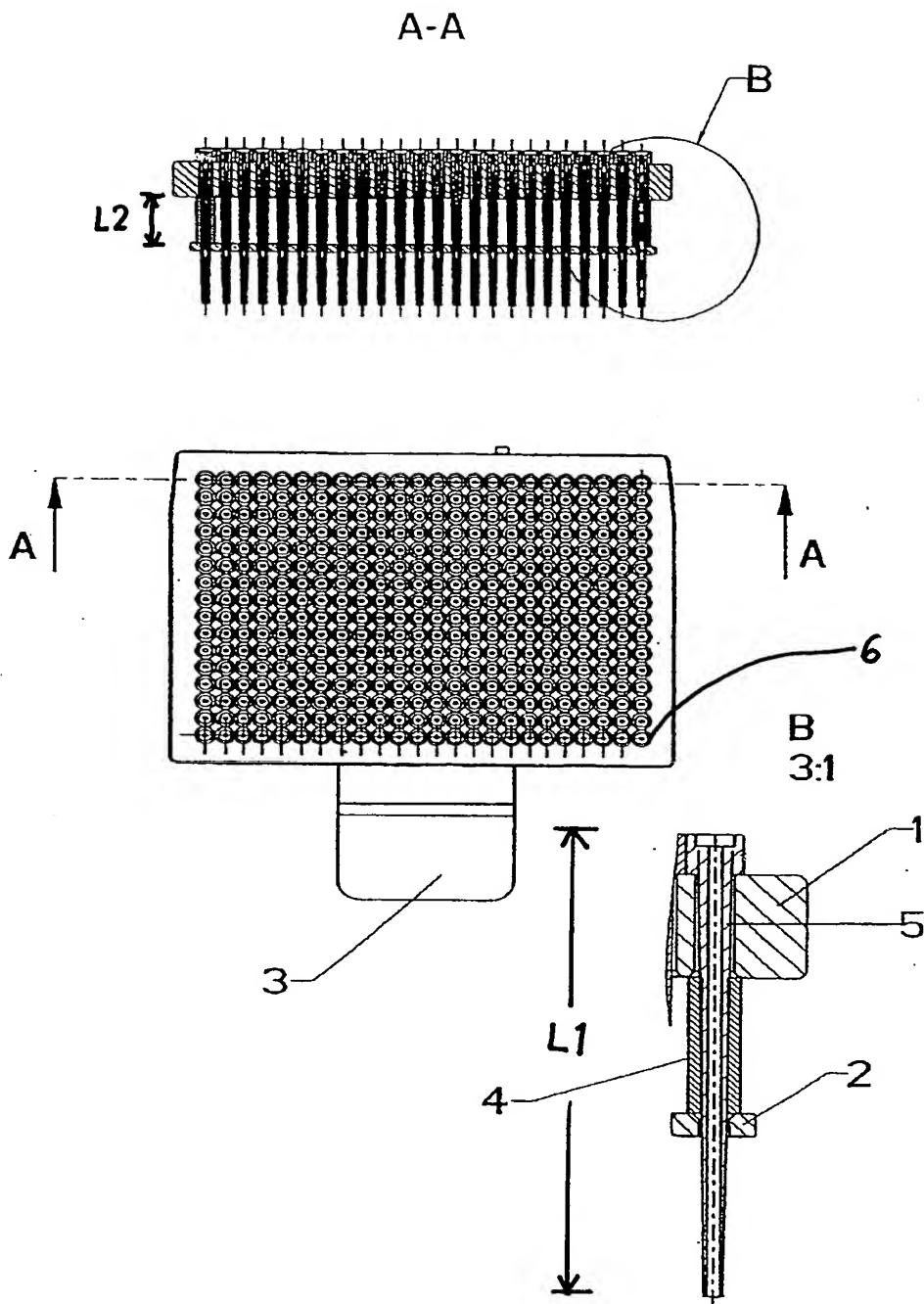


Fig. 4